

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-385-T - ORDER NO. 1999-163
MARCH 3, 1999

IN RE: Application of AllSafe Moving Services, Inc.,) ORDER DENYING
1885 Mealy Street, Atlantic Beach, FL 32233,) PETITION FOR
for a Class E Certificate of Public) RECONSIDERATION
Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition for Reconsideration filed by AllSafe Moving Services, Inc. ("AllSafe"). By its Petition for Reconsideration, AllSafe requests that the Commission (1) reconsider its Order No. 1999-21, (2) grant AllSafe a restricted Class E Certificate of Public Convenience and Necessity, and (3) hold in abeyance that portion of Order No. 1999-21 which instructed Staff to issue a new Notice of Filing and Supplemental hearing until the Commission has an opportunity to address this petition. For the reasons discussed below, the Commission denies AllSafe's Petition for Reconsideration.

In Order No. 1999-21 dated January 12, 1999, the Commission granted AllSafe the opportunity to participate in a supplemental hearing on its Application for a Class E Certificate of Public Convenience and necessity for statewide authority to transport household goods within the State of South Carolina. In reaching the decision to grant a supplemental hearing, the Commission stated that the testimony presented in the case was troublesome as the record indicates that AllSafe intended to open an office in Columbia

followed by an office in the Greenville, Spartanburg, and the Anderson area yet the testimony of the shipper witnesses addressed only the public convenience and necessity in the Charleston area. The Commission noted that normally it would deny the Application based on deficiency in the testimony as to state-wide public convenience and necessity. However, the Commission was concerned that the impression of the law may be misperceived, especially in cases where there are no intervenors such as the instant case. The Commission then explained what an Applicant must show in order to be granted a Class E Certificate of Public Convenience and Necessity. Simply put, the Commission explained in Order No. 1999-21 that an applicant must meet all the requirements of S.C. Code Ann. Section 58-23-590 (Supp. 1998) and 26 S.C. Code Regs. 103-133 (Supp. 1998) regardless of whether intervenors are participating in a case or not. Due to the potential misunderstanding of an applicant meeting all the criteria required by S.C. Code Ann Section 58-23-590 and 26 S.C. Code Regs. 103-133, the Commission granted AllSafe a supplemental hearing so that AllSafe may properly address all of the necessary criteria with regard to its Application for a Certificate of Public Convenience and Necessity to transport household on a statewide basis.

By its Petition for Reconsideration, AllSafe requests that the Commission reconsider Order No. 1999-21 and grant a Class E Certificate of Public Convenience and Necessity to transport household goods, restricted to “Shipments originating in Charleston, Beaufort, Dorchester, Berkeley and Colleton counties to all points and places in South Carolina.” AllSafe asserts that this restriction is “reasonable and best serves the public convenience and necessity in these circumstances.” Petition, p. 2. AllSafe states in

its Petition that it originally planned to start its operations in the Columbia area and then expand to the Greenville-Spartanburg area but that AllSafe will now begin with a satellite office in the Charleston area. Petition, p. 2. Further AllSafe offers that restricting the Certificate to the low-country counties would lessen the difficulty of citizens in the Charleston area in securing moving services and would conform to the evidence presented at the hearing. Petition, p. 4.

Upon consideration of AllSafe's Petition, the Commission disagrees with AllSafe's assertions. The evidence from the hearing indicated that AllSafe's business plan was to establish an office in the Columbia area and then open an office in the upstate region of South Carolina. AllSafe even filed late-filed exhibit reinforcing this business plan. (See, Commission Order No. 1999-7, dated January 6, 1999, captioned "Order Granting Motion" in which the Commission granted AllSafe's Motion for Acceptance of a Late-Filed Hearing Exhibit.) Now by its Petition for Reconsideration, AllSafe asserts that it will change its business plan to begin its operations in the Charleston area. It appears to the Commission that AllSafe is changing its plans to conform to the evidence presented at the hearing. Further, the testimony of the shipper witnesses only addressed needs in Charleston County. No testimony was presented as to any other counties around Charleston.

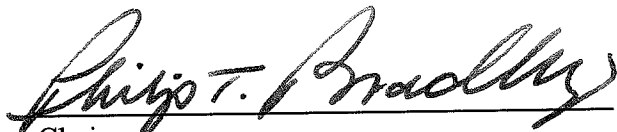
Based upon the record before it and the Petition for Reconsideration, the Commission finds that it cannot grant a restricted certificate as requested by AllSafe's Petition for Reconsideration. The record from the hearing presents a business plan totally different from that proposed in the Petition for Reconsideration. Further, the testimony of

the shipper witnesses does not address the full scope of the proposed restricted certificate. Under this scenario, the Commission finds that it cannot grant the restricted certificate requested by AllSafe in its Petition for Reconsideration as the record does not support the request. Therefore, the Commission denies AllSafe's Petition for Reconsideration.

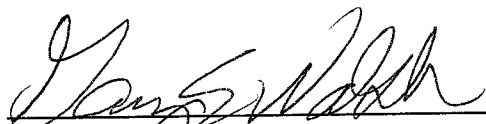
IT IS THEREFORE ORDERED THAT:

1. AllSafe's Petition for Reconsideration is denied.
2. Staff is instructed to issue a new Notice of Filing and Supplemental Hearing in this matter as directed by Commission Order No. 1999-21, dated January 12, 1999.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)